

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUND EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. TIERNEY. Mr. Speaker, we should not be here today in the position where we are being asked by the Majority to embark upon an impeachment inquiry unlimited in scope and unlimited in time.

On September 11, 1998, this body referred to the Committee on the Judiciary the responsibility to review the communication received on September 9, 1998, from the Independent Counsel; to determine whether sufficient grounds existed to recommend to the House that an impeachment inquiry be commenced. Nothing in that Resolution directed the Committee on the Judiciary to recommend to the House that an impeachment inquiry on matters extraneous to that September 9, 1998 communication be pursued. In fact, the Independent Counsel indicated that, in his view, as soon as information came to his attention which he believed necessitated a referral to the House, it was his duty (in his mind) to make that referral immediately. By inference, then, we can assume that after four years of investigations and over \$40 million in expenditures of public funds, there was no other referral forthcoming on any other matter.

Further, Mr. Speaker, the appropriate order of business for the Committee on the Judiciary, if it was to make a recommendation, would be to first, define the standard of what constitutes an impeachable offense. Then, secondly, the Committee should have measured the narrative of the Independent Counsel against that standard. Only then could the Committee properly determine whether or not to recommend that an impeachment inquiry be commenced. That was not done, despite the four weeks that have passed since the House sent the matter to the Committee on the Judiciary.

The American people want this matter resolved. They want this matter resolved fairly and promptly. They have important issues demanding consideration—educating their children within an invigorated and innovative public education system; they need sufficient health coverage for all members of their family; they need job security; they need assurance that people moving from welfare to work, folks going from school to work, and workers displaced who need to go back to work, are adequately trained and educated to be able to support their families well above the poverty line; and, they need retirement security. These are all matters foremost on their minds. The American people know we must deal with these serious issues, but believe the last four weeks have produced little, except clear partisanship and a seeming unending willingness by the Majority to put salacious material before our children and the American public—unnecessarily.

Despite the comments of the Chairman of the Committee on the Judiciary—that he

hopes to end this inquiry before the end of the year, and hopes it will not be expanded in scope—the reaction of the Majority side of the House, and statements by many of its Members, indicate that is not the prevailing desire or attitude. That is why it is important, at the very least, that we support the Democratic Motion to Recommit the matter to the Committee, and instruct the Committee to recommend an inquiry limited in scope and time, establish a standard of what constitutes an impeachable offense, and determine whether or not the narrative of the referral meets that standard.

Innumerable constitutional scholars and experts have already given their opinion that, even taken in the light most unfavorable to the President's position, the assertions in the Independent Counsel's narrative do not raise to the threshold of an impeachable offense, as defined by our founding fathers, and which has, by history and precedence, been established. If, in fact, that threshold is not met, then we owe it to the American people to determine just what action is appropriate to address the President's acknowledged personal misconduct. Perhaps more in line with the interests of the American public would be an alternative that allows us to vote and embark upon a process which sets about determining what action would be appropriate to address the President's conduct so that other business of Congress can be pursued.

This is not a parliamentary system, but a presidential system, Mr. Speaker. This should not be a system where the dominant legislative party can decide that a person running the country is a bad person and get rid of him. Persons holding themselves out as Speakers of this body have admitted not telling the truth in several venues, and have met a punishment short of being dispossessed of their elected position and have even, in at least one instance, been re-elected by the members of their political party to the austere position of Speaker of the House. Thus we know that other remedies are available.

Impeachment is really a remedy for the Republic. It is not intended as a personal punishment for a crime. Alexander Hamilton, in Federalist 65, made that assertion and, it is accurate. The Judiciary Committee should have been working this past month to determine whether or not the asserted conduct constituted an action undermining the Republic and/or the American people. The Committee was charged with the review of the communication received on September 9, 1998, and with determining if grounds exist for an inquiry. The Committee has not fulfilled that responsibility and it is now incumbent upon this body to recommit this Resolution so that any proceedings will be fair, limited in scope to the matters referred, and resolved quickly so that the public's business can receive the attention it deserves. The present Committee Resolution seeks to broaden and drag out this endless process. If the people are, in fact, to be represented, we need a fair process and not a political excursion.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MORELLA. Madam Speaker, I am pleased to see that the disparate parties could come together and work out a compromise on the Digital Millennium Copyright Act. I believe that it is critical that we ensure that there is a balance between the compensation received by developers of copyrighted works and the public's fair use of those copyrighted works.

However, as I stated when this bill was being considered on the House floor, I am deeply troubled that H.R. 2281 did not update the copyright law concerning distance education. Although the Conference Report authorizes the Register of Copyrights to submit to Congress recommendations on how to promote distance education through digital technologies, I believe the amendment that I was planning to offer struck the appropriate balance between the copyright owners and the educational community.

As we enter the 21st Century, distance education will play an even more pivotal role in educating our children, as well as those individuals interested in life long learning. Distance education will fill an important gap for individuals who, because of family obligations, work obligations, or other barriers, are prevented from attending traditional classes. It will also allow educational institutions, from outlying rural towns to the heart of America's inner cities, to access a full range of academic subjects that would otherwise not be available to them.

Recently, Montgomery County Public Schools (MCPS) received a \$9 million federal grant to help the school system develop more effective ways of incorporating technology into the classroom. One of the most promising uses of technology in the classroom is the incorporation of distance education into the everyday lives of educators and students. I believe it will be an injustice if the public schools in my District are unable to fulfill the promise of distance education because we have an outdated copyright law that does not allow for the effective use of distance education in a digital world.

Due to the exceptional talent of our teachers and administrators, Montgomery County's educational system has always been in the forefront of educational innovation. I believe it is critical that we provide our teachers with all the available tools to allow them to continue to find new and exciting ways of educating students. Thus, we must update the copyright law regarding distance education to meet the new challenges and allow for new and exciting technologies that will improve the education of our citizens as we prepare them to compete in this more competitive global economy. I intend to monitor the conduct of the distance education study and work closely with the Register of Copyrights, the educational community, the copyright owners and the relevant House committees over the next several months to develop legislation that will promote distance education in the digital age.